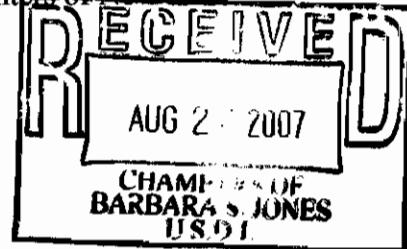


August 22, 2007

The Honorable Barbara S. Jones  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 Room 620  
 New York, NY 10007

Re: Docket No. 07 CV 3246 (BSJ)(AJP)  
 Roberto Rivera, M.D. v. Ruth Smith, M.D.,  
 Jess A. Bunshaft, Esq., and St. Vincent Catholic  
 Medical Center of New York



Dear Judge Jones:

In reference to above Amended Complaint (2<sup>nd</sup> Amended), please be advised that counsel for the above-named defendants, Ricki E. Roer, Esq. and Stacy B. Fischgrund, Esq. of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, have moved to dismiss instant complaint as of August 17, 2007. Pursuant to Federal Rules of Civil Procedure Rule 6 and Local Civil Rule 6.1, plaintiff's opposition papers shall be served on counsel for the defendants by August 31, 2007 and defendants' reply papers shall be served by September 7, 2007.

Plaintiff writes in accordance with Your Honor's individual practice rules to respectfully request an extension of time to respond to defendant's Motion to Dismiss from August 31, 2007 until September 14, 2007. In addition, counsel for the defendants respectfully request an extension of time to reply to plaintiff's opposition papers from September 7, 2007 till September 28, 2007. No previous request for an extension of time has been made and both plaintiff and counsel for the defendants have consented to these two requested extensions.

Further, plaintiff has no opposition to an order pursuant to Federal Rules of Civil Procedure Rule 26 staying discovery during the pendency of the Motion to Dismiss.

Thanking you for your indulgence in this matter,

Respectfully submitted,

*Roberto Rivera*

Roberto Rivera  
 Plaintiff, *pro se*

Application GRANTED.

SO ORDERED \_\_\_\_\_  
 Dated: \_\_\_\_\_  
 BARBARA S. JONES  
 U.S.D.J.

*Barbara S. Jones*  
 8/27/07

USDS SDNY
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DATE FILED: <i>8/27/07</i>

cc: Stacy B. Fischgrund, Esq. (of counsel, defendants)  
Honorable Anthony J. Peck (Magistrate Judge - SDNY)